

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1933

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAZ-Guerrero, Isaac

a.k.a. PAZ-Guerrero, Issac

Defendant,

Magistrate Docket No. _____

Case No. _____

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the United States

(Felony)

The undersigned complainant, being duly sworn, states:

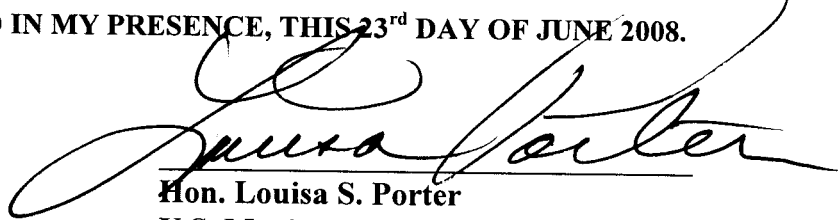
On or about June 1, 2008, within the Southern District of California, Defendant Isaac PAZ-Guerrero, also known as Issac PAZ-Guerrero, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF JUNE 2008.



Hon. Louisa S. Porter
U.S. Magistrate Judge

PROBABLE CAUSE STATEMENT

I, Special Agent Michael Haynes, U.S. Immigration & Customs Enforcement ("ICE"), declare under penalty of perjury, the following is true and correct:

Isaac PAZ-Guerrero came to my attention on or about June 9, 2008, subsequent to his June 1, 2008, encounter by the San Diego Police Department (SDPD) at 9449 Friars Road, San Diego, California. During that encounter, PAZ was identified by SDPD Officer D. Eastep through his name, date of birth, and physical description. Officer Eastep completed a "field interview" card to record his encounter with PAZ, indicating an address of 2544 Comstock Street, San Diego, California. Upon learning about this encounter, I researched PAZ' immigration history through a check of records maintained by the U.S. Department of Homeland Security.

Between June 12, 2008, and June 23, 2008, I reviewed documents from PAZ' alien file, to include an immigration judge's order entered on March 17, 2005. I also reviewed a form I-296 (Notice to Alien Ordered Removed/Departure Verification) which has upon it PAZ' fingerprint and photograph. This latter form documents PAZ' physical removal from the United States to Mexico on July 11, 2007, through the port at San Ysidro, California.

Additionally, I reviewed a form I-213 (Record of Deportable/Inadmissible Alien) that identifies PAZ as a native and citizen of Mexico. Upon this form I-213 is indicated an address of 2544 Comstock Street, San Diego, California, and a physical description which is consistent with that recorded by Officer Eastep during his encounter with PAZ on June 1, 2008.

Through my review of records I could find no indication that PAZ had been granted permission to lawfully return to the United States after being removed to Mexico.